

March 21, 2023
New Castle County Delaware
Department of Land Use
87 Reads Way
New Castle, DE 19720

Re: Proposed Royal Farms #369
Minor Subdivision Plan
613 Pulaski Highway
Bear, New Castle County, DE
Application No. 2021-0317-S/Z
BL Project No. 2001135

Dear Project Review Team:

BL Companies has prepared the following comment responses to address a March 7, 2022 Exploratory Plan review letter from New Castle County Department of Land Use. The comments are listed in the order they were provided, and the responses are following in ***bold and italic*** type.

Planning:

1. The proposed rezoning from “NC6.5” (Neighborhood Conservation 6.5) to “CR” (Commercial Regional) may be considered inappropriate at this time. At the joint Department and Planning Board public hearing, the applicant should be prepared to discuss the plan’s conformance with the Comprehensive Development Plan, impact upon the surrounding area and infrastructure, compatibility of land use intensity and scale of development, character of the neighborhood, zoning and use of nearby properties and the suitability of the property for the proposed use. Rezoning applications follow the procedure in section 40.31.113 of the New Castle County Code.

Provide conceptual architectural renderings for all elevations of proposed building(s) and structure(s) in accordance with the associated Character Area (Appendix 7); these designs will be part of the rezoning consideration.

The Department recommends that the applicant reach out to the resident council person and conduct outreach to the surrounding community who may be impacted by the proposed development.

Requirements for the joint Department and Planning Board public hearing are noted, and conceptual architectural renderings of the building and all structures accompany

this letter. Applicant has contacted Councilman Smiley, and a group of residents of the surrounding community have been meeting regularly for more than a year.

2. Verify that the proposed parking area conforms to the design standards found in Section 40.22.611 of the NCCC. Any new parking area shall comply with all the current parking lot dimensional and design standards regardless of whether a plan must be reviewed by the Department. If the intent is to design the site with depressed curbing, a curbing waiver with justification will need to be submitted to the Department.

Royal Farms intends to submit a request for a curbing waiver to allow for NO curbing around the store, as is customary with other Royal Farms stores in New Castle County, and the Department has supported at other locations.

3. If the intention is to delineate a future interconnection on the record plan, please provide a cross access/shared maintenance declaration to this office. The declaration must be approved by the Department and the Office of Law prior to the declaration being recorded. The cross access/shared maintenance declaration shall be recorded prior to plan recordation (per Sections 40.03.523.D and 40.20.420 of the NCCC).

Will submit a declaration for the future interconnection prior to recording of Record Plan.

4. A 10' multi-use pathway is proposed by DelDOT along US Route 40; please confirm with DelDOT if additional right-of-way will be required as this may affect the proposed plan layout.

The plan depicts a thirty (30) foot right-of-way from the existing travelway, as well as an additional 15 foot open area (paving setback)/DelDOT easement outside of the right-of-way that was requested by DelDOT and allowed as open space.

5. Demonstrate compliance with the required landscape bufferyard opacity between the CR/NC6.5 zoning districts (per Table 40.04.111.B of the NCCC).

A landscaping plan is provided that demonstrates compliance with the bufferyard opacity requirements in the UDC between the CR/NC6.5 Zoning Districts..

6. Demonstrate compliance with Section 40.04.220.C of the NCCC. Where more than forty (40) parking spaces are provided, parking lot landscaping must be distributed within parking lot areas so there are no more than twelve (12) consecutive parking spaces in a row between landscaped parking peninsulas or islands.

A variance will be sought to allow more than twelve consecutive parking spaces without landscape islands around the front side of the building.

7. Verify that the proposed dumpster enclosure will not be visible from adjacent residential area or public right-of-way (Per section 40.03.431 of the NCCC).

UDC Section 40.03.431 does not prohibit dumpster enclosures from being visible from adjacent residential areas or public R.O.W.; however, the enclosure will be screened from view from those areas as shown on the Landscape Plan.

8. Provide the total acreage to be rezoned on the record plan and clearly delineate the proposed zoning line (per Plan Requirement No.9 from Appendix 1, Chapter 40, of the NCCC).

Acreage for existing and proposed zoning and the proposed zoning boundary line was added in Record Plan R01.01, Plan Data Item No. 8.

9. Clearly delineate the property lines and all setback dimensions on the record plan (per Plan Requirement No. 57 from Appendix 1, Chapter 40 of the NCCC).

All property lines and setback dimensions were added to the Record Plan R01.01.

10. Verify with the Department's Transportation Section and DelDOT regarding the need for a Traffic Impact Study and add the required note to the record plan (per Plan Requirement No.30 from Appendix 1, Chapter 40, of the NCCC).

A Traffic Impact Study is required. Note #30 will amended to include an explanation of phasing or mitigation measures once DelDOT approves the TIS.

11. Depict any/all easements on the plan, as well as, providing the recording information (i.e., deed number or record/instrument plan number) which established the easement along with the width and type of easement (per Plan Requirement No. 46 from Appendix 1, Chapter 40 of the NCCC).

All easements are depicted on the plan with recording information, width, and type.

12. Provide the required Deed restrictions note (per Plan Requirement No. 28 from Appendix 1, Chapter 40 of the NCCC).

The required Deed restrictions note has been added.

13. Update the Certification of Plan Approval to reference the "General Manager for County Council of New Castle County". The application is a minor land development plan (per Plan Requirement No. 44 from Appendix 1, Chapter 40 of the NCCC).

The Certification of Plan Approval has been amended to reference "General Manager for County Council of New Castle."

14. Provide the proposed building GFA broken down by specific use. Please remove all references to Royal Farms (per Plan Requirement No. 19 from Appendix 1, Chapter 40 of the NCCC).

Proposed building GFA has been broken out for specific uses and references to Royal Farms have been removed.

15. The calculation of required parking will need to include the proposed use (per Plan Requirement No. 20 from Appendix 1, Chapter 40 of the NCCC).

The proposed use was added on Record Plan R01.01 Plan Data Item No. 15.

16. Provide the required wetlands note (per Plan Requirement No. 26 from Appendix 1, Chapter 40 of the NCCC).

Required wetlands note was added on Record Plan R01.01 General Notes No. 18.

17. Provide the required Landscape Plan note (per Plan Requirement No. 33 from Appendix 1, Chapter 40 of the NCCC).

Landscape Plan is provided, refer to General Notes # 19.

18. Clearly delineate the required Limit of Disturbance (LOD) (per Plan Requirement No. 59 from Appendix 1, Chapter 40 of the NCCC).

The required limit of disturbance was added to drawing Record Plan R01.01.

19. Outline all stormwater management facilities with acreage indicated (per Plan Requirement No. 44 from Appendix 1, Chapter 40 of the NCCC).

Acreage notation on the proposed stormwater management facility was added on Record Plan R01.01.

20. Revise the purpose note to state: "The purpose of the plan is to rezone a portion of T.P.#10-034.00-012 and all of T.P.#10-034.00-013 from NC6.5 to CR in order to combine a portion of T.P.#10-034.00-012 and all of T.P.#10-034.00-013 & T.P.#10-034.00-097 into a single tax parcel to develop a convenience store with associated gasoline pumps, and associated site improvements" (per Plan Requirement No. 7 from Appendix 1, Chapter 40 of the NCCC).

The purpose note was revised as requested on Record Plan R01.01.

21. Add the required supersedes note. The note should reference the Instrument Number/Microfilm Number for each parcel not the expired exploratory plan (per Plan Requirement No. 29 from Appendix 1, Chapter 40 of the NCCC).

Supersedes note has been added to General Notes number 18 on the Record Plan R01.01.

22. Remove existing conditions from the record plan.

Existing conditions were removed from the record plan.

23. Remove General Notes 1; 6; 7; 8; 9 & Plan Data Note 19 from the record plan and separate DelDOT required notes.

General Notes 1, 6, 7, 8, and 9 were removed from Record Plan R01.01. DelDOT notes were separated from the general notes.

24. Remove references to New Castle County GIS from the record plan. The GIS system is for informational purposes only.

References to New Castle GIS were removed from the record plan.

Standard Comments:

1. Provide certification of approval from DelDOT – transportation (per Section 40.31.114.C of the NCCC).

Will provide certification of approval from DelDOT.

2. Provide certification of approval from the Office of the State Fire Marshal (Per Section 40.31.114.C of the NCCC).

Certification of conceptual approval from the Office of the State Fire Marshall is provided in this submission.

3. Provide certification of approval from the water supplier (per Section 40.05.310 of the NCCC).

Will provide certification of approval from water supplier.

4. Please note that a Land Development Improvement Agreement must be recorded prior to the recordation of this plan. Provide a LDIA Information Sheet to initiate the process (per Section 40.31.820 of the NCCC).

A LIDIA Information sheet to initiate a Land Development Improvements Agreement is provided.

5. Submit a landscape/lighting plan that complies with Table 40.04.111.A, Table 40.04.111.B, Table 40.04.111.C, and Article 23 Chapter 40 of the NCCC.

Landscaping and lighting plans are included with this submission.

6. The Office of the Recorder of Deeds now requires that the PE Seal to be affixed near and not over the official signature in a sharp, legible and permanent manner suitable for photographic and electronic reproduction. Please revise the PE signature.

Will comply with PE seal and signature requirements.

7. Appendix 7 of the Unified Development Code contains Guiding Principles for development. Applicants should identify the subject parcel's Character Area and associated guidance outlined for building design, site design and site amenities. These published guidelines will help inform the applicant in areas of building siting, orientation, massing and design, as well as site multi-modal access, parking layout, interconnectivity, accessory structures, landscape design, storm water management, and open space amenities, as applicable. Additionally, please provide conceptual architectural renderings for all elevations of proposed building(s) and structure(s) in accordance with the associated Character Area.

Will provide conceptual architectural elevations in consideration of Guiding Principles for development.

8. Provide a paper copy of all submission items for the Department file.

Will provide paper copies of all submission items to the Department.

9. Please note, all current County taxes, school taxes and sewer service fees must be paid or not be delinquent at the time of application. Additionally, if payment for the aforementioned taxes becomes delinquent during the review process, no further processing of the application can occur.

All taxes have been paid and are current.

10. Please note that Table 40.31.390 of the NCCC outlines the time limits for expiration of plan.

Time limits for expiration of plan noted.

Engineering:

1. The Engineering Exploratory Checklist appears to have been uploaded incorrectly as only the lines marked "N/A" show as completed, and no checkmarks are visible. The Engineering Exploratory Checklist must be completed in its entirety, dated, signed, and sealed by the Delaware licensed design professional as a requirement for an Exploratory Stage review.

An updated Engineering Exploratory Checklist is provided as part of this submission.

2. All plans need to be signed and sealed by the design professional at all review stages. Prior to receiving Construction Plan approval, as a requirement of the Construction Stage submission, owner's signatures must be present.

All plans will be signed and sealed by the design professional, and the owner will sign the plans prior to receiving Construction Plan approval.

3. The uploaded Exploratory Stormwater Management Report notes that two BMPs are proposed to manage the runoff on site. Currently all that is told about the facilities is that one is proposed as surface and the other is proposed as subsurface. More details are needed about the proposed facilities to determine if they are feasible for this site and whether the requirements of the UDC and NCC Drainage Code are being met for this project.

Details of the proposed stormwater management facilities are provided within the Stormwater Narrative Report and noted on the Exploratory Plan.

4. The information in the previous note (#3) is required because the Project Application Meeting, held with the Engineering Plan Reviewer and the applicant, must occur prior to receiving Exploratory Stage approval. The Project Application Meeting minutes document, that must be filled out and sent to the engineering reviewer prior to the meeting, can be found on the DNREC website or sent by the engineering reviewer upon request. Reach out to the engineering reviewer to schedule this meeting.

A Project Application Meeting minutes document will be completed and sent to engineering reviewer prior to scheduling of meeting which must occur prior to receiving Exploratory Stage approval.

5. Utilize the naming convention as listed.

Will utilize the required plan naming convention.

6. Be advised that additional comments may be issued due to plan changes, additional or new information or based upon the precision or a more complete understanding of the information submitted.

Acknowledge that additional comments may be issued.

Transportation:

1. A Traffic Impact Study (TIS) is required and has been scoped. Note on the plan the TIS/DelDOT review and resulting mitigation measures/improvements, with phasing to construction (per UDC Appendix 1, Plan Requirements 30 and 83).

A Traffic Impact Study has been scoped, and a preliminary TIS comment letter issued. The required note has been added to the plan and will be updated when the mitigation measures/improvement, with phasing to construction, have been identified.

2. Provide internal sidewalk connections from the building to (a) the external sidewalk along School Bell Road, and (b) the external shared-use pathway along Route 40. If possible, locate one sidewalk along the west side of the School Bell Road entrance and the other sidewalk near the southeast site corner. Label the existing sidewalk along School Bell Road (per Sections 40.21.162 and 163 and Plan Requirement 62).

Sidewalk connections from building to School Bell Road and external shared use pathway along Route 40 have been added to the plan.

3. Show a rack on the Bicycle Parking area, and extend the label to mention the rack (per Section 40.22.611.M).

Bicycle parking area shown on the Record Plan R01.01 with label extended.

4. Provide a bus stop improvement as specified by DART (per Section 40.21.162).

A bus stop as specified by DART has been provided on Pulaski Highway.

5. Edit the Supersedes note, to cite MF 6731 (per Plan Requirement 29).

The supersedes note has been revised, refer to General Plan Notes #17 on the Record Plan R01.01.

Historic:

The proposed application does not appear to impact any historic or cultural resources meeting the Criteria for Designation pursuant Section 40.15.110 of the New Castle County Code. Historic

Review Board review is not required pursuant to Section 40.15.010.B of the New Castle County Code.

No action required.

Mapping:

1. Please upload a zipped CAD file to NCCDE GIS Services using the CAD & GIS zip file uploads interface from the NCCDE GIS Apps homepage. Using the upload interface avoids email blocks and streamlines data sharing with all NCC employees requiring access to the CAD files." <https://apps-nccde.hub.arcgis.com>

Will upload zipped CAD file to NCCDE GIS services.

2. Project Application Number is required to be printed on the final record plan.

Project application number is noted on the Exploratory Plan, Plan Data Item #1 and will be printed on the final record plan.

3. Please see Parcel Address Review Stage for address verification and assignment.

Will review Parcel Address Review Stage for address verification and assignment.

4. Fire Hydrants and Fire Department Connections: Fire hydrants are required to be on the plan. If the Fire Marshall has you add, move or remove any fire hydrants, please show these changes on the plan (Per Section 40.31.114.C of the NCCC).

A proposed fire hydrant is noted on the plan. Any changes required by the SFMO will be made to the plan.

5. Please show dimensions for all new parcel lines on plan.

Dimensions of all new parcel lines have been added to Record Plan R01.01.

6. Abutting parcels: Please indicate that instrument numbers currently shown on plan for each adjacent parcel are the deed instrument numbers, and also include the plan microfilm number for each parcel.

Will confirm abutting parcel instrument numbers and include microfilm number for each parcel. The word "deed" has been added before all deed instrument numbers for the abutting parcels, and plan microfilm numbers have also been added.

7. Extra notes: General Note 14 has blanks.

General Note #9, formerly #14 will be completed once LDIA is recorded.

Public Works:

1. Sewer capacity in the amount of 1,000 gpd is currently available. This amount is based on the average sanitary sewer usage of other Royal Farms without a carwash in New Castle County. Please update the sewer capacity requirement notes on the plan to reflect this new amount.

Sewer average estimated flow has been revised to note 1,000 GPD.

2. Engineer needs to label proposed sanitary in the road right of way. If it is to be a private lateral this would not be permitted. 2) Per our GIS it appears that there is a closer 8" public sanitary sewer crossing Ellen Dr. than what is shown which needs to be shown on the drawing.

Mapping of 8" public sanitary sewer crossing on Ellen Dr (Spruce Rd) was added on the record plan EP-01. A public lateral wye connection is proposed to public sanitary sewer.

3. For all Commercial Food Establishments (CFE) where a facility that prepares, packages, serves and/or provides foods or beverages for sale or consumption on or off site, including but not limited to, restaurants, food courts, food manufacturers, food packagers, grocery stores, hospitals, hotels, nursing homes, churches, schools and correctional facilities shall provide a lateral separate from the standard building sewer in conjunction with a grease trap to receive the drainage from fixtures and equipment with grease laden waste in accordance with Sect. 1003, "Interceptors and Separators", of the International Plumbing Code (IPC). "Grease traps shall be located outside the building and easily accessible for inspection, cleaning and maintenance. All grease traps shall have a storage capacity of 1,000 gallons and each shall be an internally baffled tank constructed of concrete or fiberglass, unless otherwise approved or required by the General Manager of the Department of special Services, or his or her designee", per New Castle County Code Chapter 6, Buildings and Structures, Article 7 Plumbing Code, Chapter 10 Traps, Interceptors and Separators, P1003.3.4 Grease Traps.

An external grease interceptor with a capacity of 1,500 gallons is proposed and shown on the Record Plan R01.01.

4. If the proposed sanitary sewer is to be an extension of the public sanitary sewer within the road right of way then the aforementioned application requires the submission, review and approval of sanitary sewer construction plans. The submission requirements are detailed in the latest revision of the Sanitary Sewer Construction Plan Checklist which may be found on the Department's webpage at the following site:
<http://www.nccde.org/DocumentCenter/Home/View/901>.

A sanitary sewer construction plans submission will be made with the Department of Public Works.

5. OS Review:
- a. Center the stub street between Lots 6 and 7 on the open space of Road F.
 - b. At the end of Road A, line-up the open space swathes (and pathways within) straight through to the open space oval of Road H. Incorporate appropriate mid-block sidewalk crossings across Roads C & H.
 - c. Ensure that all curb lawns are wide enough for required street trees by locating sidewalks further from the back of curbs.
 - d. Provide concept layouts/programming for usable open space areas. This should include sidewalk/pathway layouts and conceptual landscape design. For example, the sidewalks of Roads A & B should continue across the ends of the open space of Road F.

Confirmation was received that the OS review comments a-d are not applicable to this application.

Should you have any questions regarding this matter or require any additional information, please do not hesitate to contact me at 856-485-8409 or at vortega@blcompanies.com.

Respectfully Submitted,

BL COMPANIES, INC.

Victor Antonio-Ortega
Senior Engineer

Cc: